

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PETRO GRYTYSK,	:	
	:	
Plaintiff,	:	
	:	19-CV-3470 (JMF)
-v-	:	
	:	<u>ORDER TO SHOW CAUSE</u>
P.O. ANTHONY MORALES, <i>Shield No. 5056</i> , et al.,	:	
	:	
Defendants.	:	
-----X	:	

JESSE M. FURMAN, United States District Judge:

Plaintiff filed his original Complaint with this Court on April 18, 2019, naming nineteen Defendants (the “Original Defendants”). Plaintiff subsequently filed an Amended Complaint on April 7, 2020, naming two new Defendants in addition to the Original Defendants — P.O. Henry and Times Square District Management Association, Inc. a/k/a Times Square Alliance (“Times Square Alliance”). ECF No. 35. On May 5, 2020, the Original Defendants moved to dismiss the Amended Complaint. ECF No. 41. That motion remains pending. Times Square Alliance was served with the Summons and Amended Complaint on July 3, 2020, and proof of service was filed on the docket. ECF No. 55. To date, Times Square Alliance has neither answered the Complaint nor otherwise appeared in this action. No proof of service of the Summons and Amended Complaint on P.O. Henry appears on the docket.

On December 11, 2020, Plaintiff filed a “Request to Enter Default” with respect to Times Square Alliance addressed to the Clerk of Court. ECF No. 58. Counsel is reminded to comply with the Southern District of New York’s [ECF Rules & Instructions](#) Section 16.1 when seeking to obtain a Certificate of Default from the Clerk of Court.

That said, the Court concludes that any motion for default judgment with respect to Times Square Alliance should await the resolution of the Original Defendants’ pending motion to dismiss.

Additionally, it is hereby ORDERED that Plaintiff shall communicate with the Court, in writing, as to why Plaintiff has failed to serve the summons and Amended Complaint on Defendant Henry within the 90 days prescribed by Rule 4(m) of the Federal Rules of Civil Procedure, or, if Plaintiff believes that the Defendant Henry has been served, when and in what manner such service was made.

If the Court does not receive any communication from Plaintiff by **January 4, 2021**, showing good cause why such service was not made within the 90 days, the Court will dismiss


Defendant Henry without further notice.

Finally, Plaintiff is directed (1) to notify Defendants Henry and Times Square Alliance's attorneys in this action by serving upon each of them a copy of this Order and (2) to file proof of such notice with the Court by **December 21, 2020**. If unaware of the identity of counsel for Defendants Henry or Times Square Alliance, counsel receiving this order must forthwith send a copy of this Order to that party personally.

The Clerk of Court is directed to terminate ECF No. 58.

SO ORDERED.

Dated: December 14, 2020
New York, New York



JESSE M. FURMAN
United States District Judge